

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jyri Jarvenkyla) Group Art Unit: 3754
)
Serial No.: 10/597,345) Examiner: Not yet assigned
)
International Application Filing Date: 01/20/2005)
)
For: MULTILAYER PIPE)
)

**SUBMISSION AND PAYMENT OF DEFICIENCY OWED
UNDER 37 C.F.R. § 1.28 (c)(1) & (c)(2)**

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present communication comprises a submission of a deficiency payment owed pursuant to 37 C.F.R. § 1.28(c)(1) and (c)(2). Although the Applicant established its status as a small entity in good faith, the Applicant subsequently determined that such status was established in error. The deficiency payments owed due to the Applicant's error in establishing small entity status are detailed below, and payment for such deficiency is provided herewith.

The deficiency owed by the Applicant for each previous fee which was paid as a small entity is itemized in Table 1 below.

Table 1: Itemization of Deficiency Owed

<i>Fee type</i>	<i>Current large entity fee amount</i>	<i>Previous small entity fee paid</i>	<i>Date small entity fee paid</i>	<i>Deficiency amount owed</i>
Basic National Stage Fee	310.00	150.00	7/21/2006	\$150.00
Claims – Extra over 20	\$1,700.00	\$850.00	7/21/2006	\$850.00
Claims Extra Independent Over 3	\$210.00	\$200.00	7/21/2006	\$10
National Stage Exam Fee	\$210.00	\$100.00	7/21/2006	\$100.00
National Stage Search Fee	N/A	\$250.00	7/21/2006	\$-0-
National Stage Search Fee	N/A	-\$250.00	9/8/2006	\$-0-
National Stage Search Fee	\$410.00	\$200.00	9/8/2006	\$200.00
Total	\$2,840.00	\$1,500.00		\$1,340.00

The National Stage Search Fee paid on July 21, 2006 was refunded on September 8, 2006 because the amount previously paid (\$250.00) was in error, and on the same day the correct fee (\$200.00) was charged. This occurred prior to the Applicant's realization that it had claimed small entity status in error. In view of this sequence of events, the deficiency owed for the National Stage Search Fee has been calculated using the amount charged on September 8, 2006 (\$200.00). In the interest of full disclosure, however, the charging and refunding of the erroneous National Stage Search Fee is included in Table 1, with an indication of "N/A" (not applicable) in the column titled "Current large entity fee amount."

The Commissioner is hereby authorized to charge the total deficiency owed, \$1,340.00, to Deposit Account No. 19-2090. If it is determined that the deficiency owed differs from this amount, the Commissioner is authorized to charge any additional amount owed or credit any overpayment to Deposit Account No. 19-2090.

In view of the foregoing, the Applicant respectfully requests that its error in establishing small entity status be excused. If there are any questions regarding this communication, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

SHELDON MAK ROSE & ANDERSON

Date: November 16, 2007

By: /michael fedrick/
Michael Fedrick
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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">For FY 2008</h2>		Application Number	10/597,345
		Filing Date	January 20, 2005
		First Named Inventor	Jyri Jarvenkyla
		Examiner Name	Not yet assigned
		Art Unit	3754
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	17085US
TOTAL AMOUNT OF PAYMENT (\$)		\$1,340.00	

METHOD OF PAYMENT (check all that apply)

☐ Check
 ☐ Credit Card
 ☐ Money Order
 ☐ None
 ☐ Other (please identify): _____

☒ Deposit Account
 Deposit Account Number: 192090
 Deposit Account Name: Sheldon Mak Rose & Anderson

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below
 ☐ Charge fee(s) indicated below, **except for the filing fee**

☒ Charge any additional fee(s) or any underpayments of fee(s) under 37 CFR 1.16 and 1.17
 ☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid(\$)
	Fee (\$)	<u>Small Entity</u> Fee (\$)	Fee (\$)	<u>Small Entity</u> Fee (\$)	Fee (\$)	<u>Small Entity</u> Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	<u>Small Entity</u> Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185

Total Claims Extra Claims Fee (\$) Fee Paid (\$)

_____ - 20 or HP = _____ x \$50.00 = \$0.00

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

_____ - 3 or HP = _____ x \$210.00 = \$0.00

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	_____ / 50 _____	_____ (round up to a whole number)	x <u>\$260.00</u>	= <u>\$0.00</u>

4. OTHER FEE(S)

Non-English specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Payment of Deficiency Owed

\$1,340.00

SUBMITTED BY

Signature	/michael fedrick/	Registration No. (Attorney/Agent)	36799	Telephone	626-796-4000
Name (Print/Type)	Michael Fedrick			Date	November 16, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The information provided by you in this form will be subject to the following routine uses:

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7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.